1947. P 23E **File No.** B. Rationing Preparatory Measures

Legal Deptt 47

B **BRANCH**

Subject:— A Bill to re-enact Bombay Rationing Preparatory Measures Act, 1943

L.A. Bill No XXXVI of 1947

Bom. Act No LVIII of 1947

File No. B. Rationing Preparatory measures /47

Gen. 194 a.

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C O N T E N T S.

Legal Department File No. B. Rationing Preparatory Measures/47.

S.No.	R.I. / O.No.	Subject	Pages.
		A Bill to re-enact the Bombay Rationing Preparatory Measures Act, 1943.	
1.	U.R.to the Controller of Rationing No.6269 dated 17th.June 1947.	Consideration of some points before enacting the Act.	1 - 2.
2.	U.R.to C.S.D. No. 9007 dtd.5th.Sept. 1947.	Publication of the Bill and recommendation order.	3 - 4.
3.	G.L.L.D. No.11648 dated 5th.Dec.1947.	Seeking Governor's assent.	5 - 8.
4.	L.D.R.I.No.15959 dated 11th Dec.1947.	Repugnancy of the Bill	9 - 10.
5.	L.D.R.I.No:807, dated the 21st Jan.1948, and 1710 dated 13th Feb.1948.	Governor- General's Assent.	11 - 14.
6.	G.R.L.D.No.8822, dated 30th Aug.1947.	Publication of the Bill	15 - 20.
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8.	-	Bill, Act & Debate.	29 - 34.

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Office of the R.L.A.

The following points require consideration before re-enactment of the Act is taken up.

(1) Power will have to be taken to make preparations by way of numbering and enumeration in respect of places to which rationing may be extended hereafter.

(2) In respect of places ~~mf px~~ to which rationing has alread been extended, power must be taken to number new buildings which are being constructed or which may hereafter be constructed.

(3) The numbers which are already affixed in such places will have to be preserved.

(4) Provision must be made for renumbering in general, and in particular in cases where the old numbers have been obliterated.

(5) I understand that in the mofussil re-numbering was mostly done not under the Bombay Rationing Preparatory Measures Act, but under Orders issued by the District Magistrates under the Defence of India Rules. Similarly the period mentioned in section 6(f) of the Act has been allowed to expiry, but the period fixed under Orders made under the Defence of India Rules is said to have been prolonged in some cases. Only in Bombay the period prescribed in section 6(f) has from time to time been renewed.

Consequently, while preserving the numbers already affixed, reference may have to be made in the proposed Act not only to numbers affixed under the Bombay Rationing Preparatory Measures Act but also to those affixed under the Orders issued by the District Magistrates in that behalf.

(6) It is a matter also for consideration how far renewal of the period under section 6(f) can be made as part of preparatory Measures.

P.T.O.

(7) It is doubtful whether all this can be treated as part of preparatory measures. It would, therefore, seem necessary that the preamble and title of the Act should be suitably amended so as to widen its scope and to extend it not only to preparatory measures, but also to measures intended for preservation of the numbers with a view to help the continuation of rationing.

(8) No useful purpose will, therefore, be served by merely re-enacting the Act in its present form. Provision will have to be made for all the above points by enacting it in a new form.

I would, therefore, suggest that the C.S.D. may verify whether these provisions are deemed necessary. That Department may formulate suitable propositions to cover these provisions and the R.L.A./will then give them final shape.

Sd/- P.N.LAD,
17.6

Remembrancer of Legal Affairs.

U.R. to The Controller of Rationing No.6269,
dated the 17th June 1947.

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Legal Department.

The subject-matter of the Bombay Rationing (Preparatory and Continuance) Measures Bill, 1947, falls under entries 36 and 37 read with entries 29 and 27 in List II and entry 2 in List III in the Seventh Schedule to the Government of India Act, 1935. Section 2(a) of the India (Central Government and Legislature) Act, 1946 (9 and 10 Geo. 6 Ch. 39) provides that notwithstanding anything in the Government of India Act, 1935, the Indian Legislature shall during the period mentioned in section four of that Act have power to make laws with respect to the following matters:-

"trade and commerce (whether or not within a Province) and the production, supply and distribution of foodstuff etc. The entries 27 and 29 in List II of the 7th Schedule to the Government of India Act, 1935, fell entirely in the Provincial field before the Parliamentary Statute referred to above was passed. Now they are concurrent subjects and the provisions of section 107(2) of the Government of India Act, 1935, which relates to inconsistency between Central laws and Provincial laws have been made applicable by sub-section (4) of section 2 of the Parliamentary Act to a law enacted by the Central legislature in virtue of this Statute. Offences with respect to the said matters i.e. foodstuffs(entry 37 in the Provincial List) and enquiries and statistics (entry 36 in the said List) for the purpose of those matters are now concurrent subjects. Sub-clause (e) of clause 7 of the Bill read with clause 6 thereof, in so far as it imposes a penalty for obliterating, removing or damaging any letters, marks or numbers painted or affixed in virtue of the orders issued by District Magistrates will be repugnant to clause (h) of sub-section (2) of section 3 of the Essential Supplies (Temporary Powers) Act, 1946, read with section 7 thereof, and it is necessary to reserve the Bill for the consideration of the Governor General with reference to section 107(2) of the Government of India Act read with section 2(4) of the India (Central Government and

P.T.O.

Legislature) Act, 1946 (9 and 10 Geo. 6 Ch. 39).

The Bill does not require any sanction.

The Bill however, requires H.E.'s recommendation under section 82 (3) of the Government of India Act, 1935, which should be obtained by the Civil Supplies Department.

The Bill in question has been published under instructions of H.M.(Home and Revenue) on the 30th August 1947, and the papers have been returned to the Secretary , Civil Supplies Department, for the purpose of bringing the Bill before the Council of Ministers for confirmation.

The Civil Supplies Department may now arrange to give the necessary notice to the Secretary to the Bombay Legislative Assembly in the appended form. The Civil Supplies Department is also requested to obtain orders of Government in due course regarding the application of the proposed Act to the partially excluded areas in the Province of Bombay. A draft recommendation order under section 82(3) of the Government of India Act, 1935, is appended.

Sd/- S.B.Palekar.

For Secretary to Government.

U.R. to Mr. Bakhale (C.S.D.) No.9007 dated the 5th. September 1947.

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M.V.V.
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No.11648.
Legal Department,
Bombay Castle, 5th December 1947.

From,
P.M.Lad, Esquire, I.C.S.,
Secretary to the Government of Bombay.

To
The Private Secretary to the Governor of Bombay.

Subject:- A Bill to privide for the numbering of premises and collecting information about persons and establishments as measures preparatory to and for continuance of the rationing of articles or things essential to the life of the community.

Sir,

With reference to section 75 of the Government of India Act, 1935, I am directed to forward herewith for being presented to His Excellency the Governor, the authentic copy of the Bill to provide for the numbering of premises and collecting information about persons and establishments, as measures preparatory to and for continuance of the rationing of articles or things essential to the life of the community, which was read for the third time and passed at the meetings of the Bombay Legislative Assembly and the Bombay Legislative Council held on the 10th September 1947 and on the 17th October 1947, respectively.

2. The subject-matter of the Bill falls under entries 37 and 38 read with entries 27 and 29 in List II and entry 2 in List III in the Seventh Schedule to the Government of India Act, 1935.

3. Section 2(1) of the India (Central Government and Legislature) Act, 1946 (9 and 10 Geo. 6, Ch.39), provides that notwithstanding anything in the Government of India Act, 1935, the Indian Legislature shall during the period mentioned in section 4 of that Act have power to make laws with respect to trade and commerce in, the production, supply and distribution of, foodstuffs etc. and offences against laws with respect to an enquiries and statistics for the purposes of any of these matters. The entries 27 29,37 and 38 in List II in the Seventh Schedule .....

P.T.O.

to the Government of India Act, 1935, refer to these matters. Section 2(4) of the said Act provides that section 107(2) of the Government of India Act, 1935, shall apply in relation to a law enacted by virtue of this section with respect to any matter, being a matter with respect to which a Province has power to make laws as if that matter were a matter specified in Part II of the Concurrent Legislative List. Sub-clause (e) of clause 7 of the Bill read with clause 6 thereof, in so far as it mp imposes a penalty for obliterating, removing or damaging any letters, marks or numbers painted or affixed in virtue of the orders issued by District Magistrates is repugnant to clause (h) of Sub-section (2) of section 3 of the Essential Supplies (Temporary Powers) Act, 1946, read with section 7 thereof, and it is necessary to reserve the Bill for the consideration of the Governor-General with reference to section 107(2) of the Government of India Act, 1935, read with section 2(4) of the India (Central Government and Legislature) Act, 1946 (9 and 10 Geo. 6 Ch. 39).

4. I also forward herewith six copies of each of the items Nos.1 to 3 and two copies of item No.4 of the papers noted in the margin.

1. Bill as introduced in the Bombay Legislative Assembly with the Statement of Objects and Reasons.
2. Bill as read for the third time and passed by the Bombay Legislative Assembly and as introduced in the Bombay Legislative Council.
   ....
3. Bill as read for the third time and passed by the Bombay Legislative Council.
4. Extracts from the proceedings of the Bombay Legislative Assembly dated the 10th September 1947 and of the Bombay Legislative Council dated the 17th October 1947.

Yours Bill

4-Cs.
M.V.V.
26/5.

The Bill was not referred to a Select Committee.

I have the honour to be,

Sir,

Your most obedient servant,

Sd/- P.M.LAD,
4/12.
Secretary to Government.

Through,

The Secretary to the Govemmet of Bombay,

Civil Supplies Department.

4-Cs.

M.V.V.
26/5.

No.5734.

Office of the Private Secretary to the Governor,
Government House,
Bombay, 11th. December 1947.

From

L.E. Bagshawe, Esquire, I.C.S.,
Private Secretary to the Governor of Bombay.

To

The Secretary to the Bombay Legislature Department,
Council Hall, Bombay.

Subject:- The Bombay Rationing (Preparatory and Continuance) Measures Bill, 1947.

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Sir,

With reference to the above-mentioned Bill which was passed by the Bombay Legislative Assembly and the Bombay Legislative Council on the 10th September and 17th October 1947, respectively, I am directed to state, for the information of the Honourable the Speaker and the Honourable the President, that section 2(1) of the India(Central Government and Legislature, Act, 1946, provides that notwithstanding anything in the Government of India Act, 1935, the Indian Legislature shall during the period mentioned in section 4 of that Act have power to make laws with respect to the trade and commerce in, the production, supply and distribution of, foodstuffs, etc., and offences against laws with respect to and enquiries and statistics for the purposes of any of these matters. The entries 27,29, 37 and 38 in List II in the Seventh Schedule to the Government of India Act, 1935, which relate to the subject-matter of this Bill, refer to these matters. Section 2(4) of the said Act provides that section 107(2) of the Government of India Act, 1935, shall apply in relation to a law enacted by virtue of this section with respect to any matter being a matter with respect to which a Province has power to make laws as if that matter were a matter specified in Part II of the Concurrent Legislative List. As sub-clause (e) of clause 7 of the Bill read with clause 6 thereof, in so far as it imposes a penalty for obliterating, removing or damaging any letters, marks or numbers painted or affixed in virtue of the orders issued by District Magistrates is repugnant to clause (h) of sub-section (2) of section 3 of the Essential Supplies (Temporary Powers) Act, 1946, read with section 7 thereof , it is necessary to reserve the Bombay Rationing (Preparatory and Continuance) Measures Bill, 1947, for the consideration of His Excellency the Governor-General with reference to section 107(2) of the Government of India Act, 1935, read with section 2(4) of the Indian (Central Government and Legislature) Act, 1946. His Excellency is accordingly pleased, under section 75 of the Government of India Act, 1935, to declare that he reserves the Bill for the consideration of His Excellency the Governor-General.

Your obedient servant,

L.E.Bagshawe.

Private Secretary to the Governor of Bombay.

No. P.S.S. 5735.

Office of the Private Secretary to the Governor,
Bombay, 11th December 1947.

Copy forwarded with compliments for information to :-

(1) The Secretary to Government, Legal Department, with reference to his letter No.11648, dated 5th December 1947.
(2) The Secretary to Government, Civil Supplies Department, with reference to his endorsement dated the 5th December 1947.

By order of the Governor of Bombay,

Sd/-

Private Secretary to the Governor of Bombay.

4-Cs.
M.V.V./26.5.

No. P.S.G. 271.
Government House,
Bombay, 26th. January 1948.

From

L.N. Nadkarni, Esquire, I.C.S.
Private Secretary to the Governor of Bombay.

To

The Secretary to Government,
Legal Department, Bombay.

Subject : The Bombay Rationing (Preparatory and Continuance) Measures Bill, 1947.

Sir,

In continuation of my letter No. PSG. 195, dated the 16th January 1948, on the above subject, I am directed to forward herewith the authentic copy of the Bombay Rationing (Preparatory and Continuance) Measures Bill, 1947, with His Excellency the Governor General's assent signfied thereon.

Your obedient servant,

Sd/-
Private Secretary to the Governor,
of Bombay.

4-Cs.

N.V.V.
26/5.

CONFIDENTIAL.

No.P. S. G. - 802.
Office of the Private Secretary to the Governor,
Government House,
Bombay, 11th February 1948.

From

L.N. Nadkarni, Esquire, I.C.S.,
Private Secretary to the Governor of Bombay.

To

The Secretary to Government,
Legal Department,

Subject: The Bombay Rationing (Preparatory and Continuance) Measures Bill, 1947.

Sir,

With reference to your letter No.42-Confl. , dated 26th January 1948, on the subject noted above I return herewith the authentic copy of the Bombay Rationing (Preparatory and Continuance) Measures Bill, 1947, with the date of assent of His Excellency the Governor General entered in the endorsement to the Bill.

Your obedient servant,

, Sd/-

Private Secretary
to the Governor of Bombay.

4-Cs.
H.V.V.
26/5.

Bills.
A Bill to provide for the numbering of premises and collecting information about persons, and establishments as measures preparatory to e and for continuance of the rationing of articles or things essential to the life of the community.

GOVERNMENT OF BOMBAY.
Legal Department.
Resolution No. 8822.
Bombay Castle, 30th August 1947.

RESOLUTION: The Bill with the Statement of Objects and Reasons should be forwarded to the Manager, Government Central Press, Bombay, for publication in the Bombay Government Gazette, dated the 30th August 1947, as Bill No.XXXVI of 1947.

2. The Bill and the Statement of Objects and Reasons should be translated into Marathi, Gujarati, Kannada and Hindustani (in Urdu and Devagari scripts) and the ~~them~~ translations should be published in the Bombay Government Gazette, on the 5th September 1947.

3. The dates of the various publications should be reported to the Secretary to the Bombay Legislature Department.

By order of the Governor of Bombay,

Sd/- S.B.Palekar,

Deputy Secretary to Government.

To,

The Manager, Government Central Press, Bombay (with the Bill and the Statement of Objects and Reasons and with a request that 230 Gazette copies of the Bill and the Statement of Objects and Reasons may be forwarded to the Secretary to the Bombay Legislature Department for distribution to the Members of the Bombay Legislative Assembly and 25 copies for the use of the Legal Department and 20 copies for the use of the Civil Supplies Department.

The Civil Supplies Department,
*The Oriental Translator to Government,
The Secretary to the Bombay Legislature Department,
The Director of Publicity, Bombay,
) With a copy of the Bill and S.O.R.

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* with five extra copies of the Bill.

M.V.V.
26/5.
(4-Cs.)

Acts.

Publication of the Bombay Rationing (Preparatory and Continuance) Measures Act, 1947.

GOVERNMENT OF BOMBAY,
Legal Department,
Resolution No. 669,
Bombay Castle, 19th January 1948.

Letter to the Private Secretary to the Governor, No. 11648, dated the 5th December 1947.

Letter from the Private Secretary to the Governor, No. P.S.G. 195, dated the 16th January 1948 :-

"With reference to the correspondence ending with my endorsement No. PSG. 5735, dated the 11th December 1947, on the above subject, I am directed to inform you that intimation has been received from the Secretary to the Government of India, Ministry of Home Affairs, that His excellency the Governor-General has assented to the Bombay Rationing (Preparatory and Continuance) Measures Bill, 1947, on the 13th January 1948".

RESOLUTION :- The Law should be published as Bombay Act No. LVIII of 1947, in the Bombay Government Gazette dated the 19th January 1948.

2. The Act should be translated into Marathi, Gujarati, Kannada and Hindustani (In Urdu and Devnagari scripts) and the translations should be published in the Bombay Government Gazette.

3. A copy of the Act should be frowarded to the Civil Supplies Department.

By order of the Governor of Bombay,

Sd/- S.L. Chaudhari,
19.1

Assistant Secretary to Government.

To,

The Manager, Government Central Press, Bombay (with a copy of the Act and with a request that 30 Gazette copies of the Act may be forwarded to the Legal Department)
The Civil Supllies Department,
* The Oriental Translator to Government,
The Bombay Legislature Department,
The Director of Publicity, Bombay,
The Enquiry Officer for the Secretariat, Bombay.
} With a copy of the Act.

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* With five extra copies of the Act.

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No Copies Delete available

[To be translated into Marathi, Gujarati, Kannada and Hindustani (in Urdu and Devnagari scripts) and the translations to be published in the " Bombay Government Gazette". The dates of publication to be reported.]

The following Bill is published under the proviso to rule 80 of the Bombay Legislative Assembly Rules :—

L. A. BILL No. XXXVI OF 1947.

A Bill to provide for the numbering of premises and collecting information about persons and establishments, as measures preparatory to and for continuance of the rationing of articles or things essential to the life of the community.

WHEREAS it is expedient to provide for the numbering of premises and collecting information about persons and establishments, as measures preparatory to and for continuance of the rationing of articles or things essential to the life of the community ; It is hereby enacted as follows :—

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Rationing (Preparatory and Continuance) Measures Act, 1947.

(*2*) It extends to the whole of the Province of Bombay.

(*3*) The Provincial Government may, by notification in the Official Gazette, direct that it shall come into force in any area on such date as may be specified in the notification.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context—

(*1*) " Establishments " means catering establishments, institutions, residential establishments, manufacturing establishments, mills, industries, animal establishments and any other establishments or class of establishments which the Provincial Government or an officer authorised by it in this behalf may declare to be establishments for the purposes of this Act.

(*2*) (*i*) " Catering establishments " includes hotels, restaurants, eating houses, cafes, tea shops, coffee stalls, free feeding centres and every other place of refreshment open to the public, clubs, canteens and other similar establishments.

(*ii*) " Institutions " includes hospitals, sanatoria, convalescent homes, nursing homes, orphanages, work-houses, infirmaries, asylums, boarding schools (providing meals for day-boarders) and other similar establishments.

(*iii*) " Residential establishments " shall not include private households but shall include boarding houses, apartment houses, residential hotels, hostels, nurses' homes, boarding schools (without any day-boarders) and other similar establishments.

(*iv*) " Manufacturing establishments " includes bakeries, confectioneries, and other similar establishments.

(*v*) " Mills " includes flour-mills, provender mills, and other similar establishments.

(*vi*) " Industries " means undertakings requiring the use of any article specified in this behalf by the Provincial Government by notification in the Official Gazette, in the process of production, manufacture or finish of any article.

(*vii*) " Animal establishments " includes stables for horses or cattle, poultry farms, zoos, menageries, veterinary hospitals, *pinjrapoles* and other similar establishments.

(*3*) " Inquiry Officer " means a person authorised under clause (*b*) of sub-section (*1*) of section 3 and includes any person appointed to assist him under sub-section (*2*) of section 3 ;

(*4*) " Numbering Officer " means a person authorised under clause (*a*) of sub-section (*1*) of section 3 and includes any person appointed to assist him under sub-section (*2*) of section 3.

Power to number premises and collect information about persons.

3. (*1*) If in the opinion of the Provincial Government it is necessary or expedient to carry out any of the following measures as preparatory to, or for continuance of, the rationing of any article or thing essential to the life of the community, the Provincial Government may—

(*a*) authorise any person in respect of any area to paint or repaint on, or affix or re-affix to, any premises, such letters, marks or numbers as may be necessary for facilitating their identification ;

(*b*) authorise any person in respect of any area to collect and verify or reverify information and statistics necessary for introduction or continuance of rationing in that area.

(*2*) The person authorised under sub-section (*1*) may by order in writing appoint any other person or persons to assist him in carrying out the measures.

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Obligation to answer certain questions and to furnish certain information.

4. (*1*) An Inquiry Officer may, for the purposes mentioned in clause (*b*) of sub-section (*1*) of section 3, ask of any person such questions as the Provincial Government may notify in the Official Gazette.

(*2*) An Inquiry Officer may for the said purposes order any person owning or in charge of an establishment to furnish to him information in respect of the said establishment in such form as the Provincial Government may, by notification in the Official Gazette, specify.

(*3*) Every person to whom a question is asked under sub-section (*1*) or who is ordered to furnish any information under sub-section (*2*) shall be legally bound to answer the question or furnish the information to the best of his knowledge and belief and if so required by the Inquiry Officer to do so, in writing, with his name signed thereto.

Right of access.

5. Every person occupying any premises shall allow the Numbering Officer or Inquiry Officer such access thereto as he may require for the purpose of his work :

Provided that in requiring access due regard shall be paid by such Officer to the social and religious customs of the occupier.

Letters, marks and numbers painted, etc., and orders made under Defence of India Rules to be deemed to be painted, etc., under this Act.

6. All letters, marks and numbers painted or repainted on, or affixed or reaffixed to, any premises under an order made by whatever authority under the Defence of India Rules shall be deemed to be painted or repainted on, or affixed or reaffixed to, such premises under this Act.

Penalties.

7. (*a*) Any Inquiry Officer who knowingly makes any false returns in connection with any inquiry conducted by him ; or

(*b*) any person who voluntarily obstructs a Numbering Officer or Inquiry Officer in the exercise of his powers or the performance of his duties as such officer ; or

(*c*) any person who is legally bound under section 4 to answer any question or to furnish any information—

(*i*) refuses to give an answer or to furnish the information to the best of his knowledge or belief ; or

(*ii*) gives an answer or furnishes information which is false and which he either knows or believes to be false or does not believe to be true ;

(*d*) any person occupying any premises who refuses to allow access to a Numbering Officer or Inquiry Officer as required by section 5 ; or

(*e*) any person who removes, obliterates, alters or damages any letters, marks or numbers which are painted or repainted, on, or affixed or re-affixed to, or deemed to be painted or

repainted on, or affixed or re-affixed to, any premises under this Act,

shall, on conviction, be punishable with imprisonment, which may extend to six months and shall also be liable to fine which may extend to five hundred rupees.

Bar of proceedings.

8. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act.

Sanction for prosecution.

9. No prosecution under this Act shall be instituted without the previous sanction of the Provincial Government or such officer as the Provincial Government may authorise in this behalf.

Repeal.

10. The Bombay Rationing Preparatory Measures Act, 1943, is hereby repealed : Bom. II of 1943.

Provided that—

(*i*) every authority granted under the repealed Act, and in force immediately before the coming into force of this Act, shall be deemed to be granted under this Act ; and

(*ii*) all letters, marks and numbers, painted or repainted on, or affixed or re-affixed to, any premises under the repealed Act shall be deemed to be painted or re-painted on, or affixed or re-affixed to, any premises under this Act.

STATEMENT OF OBJECTS AND REASONS.

Before rationing is introduced in any area certain measures such as numbering of premises, enumeration of persons, etc., preparatory to the introduction of rationing are to be undertaken in that area. These measures are at present undertaken under the Bombay Rationing Preparatory Measures Act, 1943, which was enacted under section 93 of the Government of India Act, 1935. As this Act is due to expire on the 2nd April 1948, it is necessary to re-enact the same in order to enable Government to introduce rationing in areas where it has not been introduced. It is also desirable to amend the said Act in order to take powers to Government to renumber the premises in general where rationing has been introduced and to collect information about establishments in connection with rationing. It is also necessary to preserve the numbers already affixed on various buildings under the said Act or under any order issued by any authority under the Defence of India Rules which have been continued in force under the Essential Supplies (Temporary Powers) Act, 1946. Opportunity has also been taken to include in the Act the provisions now contained in the Bombay Rationing Inquiry Order, 1943, for collecting information from establishments for purposes of rationing.

The proposed Bill is intended to carry out the above objects.

Dated 27th August 1947. (Signed) D. N. DESAI.

By order of the Governor of Bombay,

P. M. LAD,

Bombay, dated 29th August 1947. Secretary to the Government of Bombay,
Legal Department.

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

L. A. BILL No. XXXVI OF 1947.

A Bill to provide for the numbering of premises and collecting information about persons and establishments, as measures preparatory to and for continuance of the rationing of articles or things essential to the life of the community.

(As read for the third time and passed by the Legislative Assembly on the 10th September 1947.)

WHEREAS it is expedient to provide for the numbering of premises and collecting information about persons and establishments, as measures preparatory to and for continuance of the rationing of articles or things essential to the life of the community ; It is hereby enacted as follows :—

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Rationing (Preparatory and Continuance) Measures Act, 1947.

(*2*) It extends to the whole of the Province of Bombay.

(*3*) The Provincial Government may, by notification in the Official Gazette, direct that it shall come into force in any area on such date as may be specified in the notification.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context—

(*1*) " Establishments " means catering establishments, institutions, residential establishments, manufacturing establishments, mills, industries, animal establishments and any other establishments or class of establishments which the Provincial Government or an officer authorised by it in this behalf may declare to be establishments for the purposes of this Act.

MO-III Bk Hb 146—1

(2) (*i*) "Catering establishments" includes hotels, restaurants, eating houses, cafes, tea shops, coffee stalls, free feeding centres and every other place of refreshment open to the public, clubs, canteens and other similar establishments.

(*ii*) "Institutions" includes hospitals, sanatoria, convalescent homes, nursing homes, orphanages, work-houses, infirmaries, asylums, boarding schools (providing meals for day-boarders) and other similar establishments.

(*iii*) "Residential establishments" shall not include private households but shall include boarding houses, apartment houses, residential hotels, hostels, nurses' homes, boarding schools (without any day-boarders) and other similar establishments.

(*iv*) "Manufacturing establishments" includes bakeries, confectioneries, and other similar establishments.

(*v*) "Mills" includes flour-mills, provender mills, and other similar establishments.

(*vi*) "Industries" means undertakings requiring the use of any article specified in this behalf by the Provincial Government by notification in the Official Gazette, in the process of production, manufacture or finish of any article.

(*vii*) "Animal establishments" includes stables for horses or cattle, poultry farms, zoos, menageries, veterinary hospitals, *pinjrapoles* and other similar establishments.

(3) "Inquiry Officer" means a person authorised under clause (*b*) of sub-section (*1*) of section 3 and includes any person appointed to assist him under sub-section (*2*) of section 3;

(4) "Numbering Officer" means a person authorised under clause (*a*) of sub-section (*1*) of section 3 and includes any person appointed to assist him under sub-section (*2*) of section 3.

Power to number premises and collect information about persons.

3. (*1*) If in the opinion of the Provincial Government it is necessary or expedient to carry out any of the following measures as preparatory to, or for continuance of, the rationing of any article or thing essential to the life of the community, the Provincial Government may—

(*a*) authorise any person in respect of any area to paint or repaint on, or affix or re-affix to, any premises, such letters, marks or numbers as may be necessary for facilitating their identification;

(*b*) authorise any person in respect of any area to collect and verify or reverify information and statistics necessary for introduction or continuance of rationing in that area.

(*2*) The person authorised under sub-section (*1*) may by order in writing appoint any other person or persons to assist him in carrying out the measures.

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Obligation to answer certain questions and to furnish certain information.

4. (*1*) An Inquiry Officer may, for the purposes mentioned in clause (*b*) of sub-section (*1*) of section 3, ask of any person such questions as the Provincial Government may notify in the Official Gazette.

(*2*) An Inquiry Officer may for the said purposes order any person owning or in charge of an establishment to furnish to him information in respect of the said establishment in such form as the Provincial Government may, by notification in the Official Gazette, specify.

(*3*) Every person to whom a question is asked under sub-section (*1*) or who is ordered to furnish any information under sub-section (*2*) shall be legally bound to answer the question or furnish the information to the best of his knowledge and belief and if so required by the Inquiry Officer to do so, in writing, with his name signed thereto.

Right of access.

5. Every person occupying any premises shall allow the Numbering Officer or Inquiry Officer such access thereto as he may require for the purpose of his work :

Provided that in requiring access due regard shall be paid by such Officer to the social and religious customs of the occupier.

Letters, marks and numbers painted, etc., and orders made under Defence of India Rules to be deemed to be painted, etc., under this Act.

6. All letters, marks and numbers painted or repainted on, or affixed or reaffixed to, any premises under an order made by whatever authority under the Defence of India Rules shall be deemed to be painted or repainted on, or affixed or reaffixed to, such premises under this Act.

Penalties.

7. (*a*) Any Inquiry Officer who knowingly makes any false returns in connection with any inquiry conducted by him ; or

(*b*) any person who voluntarily obstructs a Numbering Officer or Inquiry Officer in the exercise of his powers or the performance of his duties as such officer ; or

(*c*) any person who is legally bound under section 4 to answer any question or to furnish any information—

(*i*) refuses to give an answer or to furnish the information to the best of his knowledge or belief ; or

(*ii*) gives an answer or furnishes information which is false and which he either knows or believes to be false or does not believe to be true ;

(*d*) any person occupying any premises who refuses to allow access to a Numbering Officer or Inquiry Officer as required by section 5 ; or

(*e*) any person who removes, obliterates, alters or damages any letters, marks or numbers which are painted or repainted, on, or affixed or re-affixed to, or deemed to be painted or

repainted on, or affixed or re-affixed to, any premises under this Act,

shall, on conviction, be punishable with imprisonment, which may extend to six months and shall also be liable to fine which may extend to five hundred rupees.

Bar of proceedings.

8. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act.

Sanction for prosecution.

9. No prosecution under this Act shall be instituted without the previous sanction of the Provincial Government or such officer as the Provincial Government may authorise in this behalf.

Repeal.

10. The Bombay Rationing Preparatory Measures Act, 1943, is hereby repealed : Bom. of 1943.

Provided that—

(*i*) every authority granted under the repealed Act, and in force immediately before the coming into force of this Act, shall be deemed to be granted under this Act ; and

(*ii*) all letters, marks and numbers, painted or repainted on, or affixed or re-affixed to, any premises under the repealed Act shall be deemed to be painted or re-painted on, or affixed or re-affixed to, any premises under this Act.

STATEMENT OF OBJECTS AND REASONS.

Before rationing is introduced in any area certain measures such as numbering of premises, enumeration of persons, etc., preparatory to the introduction of rationing are to be undertaken in that area. These measures are at present undertaken under the Bombay Rationing Preparatory Measures Act, 1943, which was enacted under section 93 of the Government of India Act, 1935. As this Act is due to expire on the 2nd April 1948, it is necessary to re-enact the same in order to enable Government to introduce rationing in areas where it has not been introduced. It is also desirable to amend the said Act in order to take powers to Government to renumber the premises in general where rationing has been introduced and to collect information about establishments in connection with rationing. It is also necessary to preserve the numbers already affixed on various buildings under the said Act or under any order issued by any authority under the Defence of India Rules which have been continued in force under the Essential Supplies (Temporary Powers) Act, 1946. Opportunity has also been taken to include in the Act the provisions now contained in the Bombay Rationing Inquiry Order, 1943, for collecting information from establishments for purposes of rationing.

The proposed Bill is intended to carry out the above objects.

Dated 27th August 1947. D. N. DESAI.

MO-III Bk Hb 146—2

Government of Bombay

LEGAL DEPARTMENT

[L. A. BILL No. XXXVI OF 1947.]

(As read for the third time and passed by the Legislative Assembly on the 10th September 1947.)

A Bill to provide for the numbering of premises and collecting information about persons and establishments, as measures preparatory to and for continuance of the rationing of articles or things essential to the life of the community.

[Mr. D. N. Desai, M.L.A.]

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